

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

XPO CARTAGE, INC.

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Cases 21-CA-150873
21-CA-164483
21-CA-175414
21-CA-192602

NOTICE TO SHOW CAUSE¹

On September 12, 2018, Administrative Law Judge Christine E. Dibble issued a decision finding that the Respondent's drivers were employees and addressing complaint allegations that affect them. In finding that the drivers were employees, the judge applied the Board's precedent in *FedEx Home Delivery*, 361 NLRB 610 (2014), enf. denied 849 F.3d 1123 (D.C. Cir. 2017). Recently, the Board overruled *FedEx* and announced a new test for determining employee status. *SuperShuttle DFW, Inc.*, 367 NLRB No. 75 (2019). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before April 9, 2019 (with affidavit of service on the parties to this proceeding), why this case should not be remanded to the administrative law judge for further proceedings consistent with the Board's decision in *SuperShuttle*, including reopening the record if necessary. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., March 26, 2019.

By direction of the Board:

Roxanne Rothschild

Executive Secretary

¹ Member Emanuel is recused and took no part in the consideration of this case.